THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.29494/1995

1. Kodamanchali Subba Rao and another ..Petitioners

V.

1. The Sub-Collector-cum-Land Acquisition Officer, East Godavari District at Rajahmundry and others.

..Respondents

THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.29494/1995

ORAL ORDER

The petitioner No.1 claiming to be the Archaka of Sri Rajalingeshwara Swamy and Sri Raja Gopala Swamy temples situate at Rajanagaram village, Rajanagaram Mandal, Rajahmundry and petitioner No.2 claiming to be tenant filed the present writ petition stating that Joint Commissioner, Endowments Department passed orders dt. 15-4-1982 dividing shares of the land between Archaka and the temple and since then, petitioner No.1 has been in possession and enjoyment of Ac.7-16 cents in S.No.20/1 situate at Rajanagaram village by paying land revenue to the Government and petitioner No.2 is a tenant of Ac.2-00 in S.No.20/1. They further stated that the respondents are trying to dispossess them from their respective land without following due process of law stating that they are going to distribute the same to the poor and weaker sections of the society.

This court while admitting the writ petition on 28-12-1995 ordered both the parties to maintain status quo.

Though 10 years time has elapsed, no counter affidavit has been filed by the respondent. In the absence of any counter-affidavit, it is not known whether any acquisition proceedings were initiated to acquire the land belonging to the temple.

It is well settled that the if the Government authorities want any land belongs to citizens to be distributed to the poor and weaker sections of the Society, they are under obligation to initiate proceedings either under the Land Acquisition Act, 1894 or any other Act for acquiring the same. Without following due procedure as contemplated for acquisition of land, they could not acquire the land of the petitioners.

In view of the same, the writ petition is disposed of directing the respondents not to dispossess the petitioners from their respective land without following due process of law.

The writ petition is accordingly disposed of. No costs.

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Kmr 27-3-2006